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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,989	06/30/2003	Xiao M. Gao	ITL.0933US (P15730)	1067

21906 7590 01/11/2007

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HOUSTON, TX 77057-2631

EXAMINER	
JAMAL, ALEXANDER	
ART UNIT	**PAPER NUMBER**
2614	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/609,989	GAO ET AL.	
	Examiner	Art Unit	
	Alexander Jamal	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 June 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-18** are rejected under 35 U.S.C. 102(e) as being anticipated by Shi et al. (US2004/0101130A1).

As per **claim 1,** Shi discloses a system comprising a signal generator (inherently comprised in Xmit path 62 in Fig. 9D to provide the transmitted stimulus disclosed in page 11 paragraph 121), impedance mismatch hardware (switches 82a,82b,86a,86b) coupled to impedances R4,R3 in Fig. 9D), and a controller (DSP disclosed in page 12 paragraph 130) is used to measure subscriber loop characteristics to determine DSL capability (page 1 paragraph 3).

As per **claim 10,** claim rejected for the same reasons as claim 1. FDR and TDR methods use the echo delay is used to determine the loop characteristics (page 11 paragraphs 119,121).

As per **claim 14,** it is rejected for the same reasons as claim 10. The DSP (page 11 paragraph 119) inherently comprises software for the purpose of controlling the hardware. The DSP controller is a fuzzy inference system that adjusts the impedance

seen by reflected signals by activating or deactivating (via switches) the hybrid or termination circuitry. This will function to modify the received signals because the impedance will be different.

As per **claim 2,** the impedance comprises a resistance (R3,R4).

As per **claim 3,** the system comprises an active termination impedance (page 11 paragraph 120).

As per **claim 4,** the receive signal the echo measured in either the FDR, or TDR method) is modified when the active termination impedance and hybrid are activated or deactivated (page 11 paragraphs120-124).

As per **claims 5,9,** the FDR and TDR tests measure the loop length and impedance which determine the ability to run a DSL on the loop (page 11 paragraph 119).

As per **claims 6,7,** the DSP controller is a fuzzy inference system that adjusts the impedance seen by reflected signals by activating or deactivating (via switches) the hybrid or termination circuitry. This will function to modify the received signals because the impedance will be different.

As per **claim 8,** FDR and TDR methods use the echo delay is used to determine the loop characteristics (page 11 paragraphs 119,121). The amplitudes and time delay of the reflected signals is measured (page 11 paragraph 121).

As per **claims 11,15,** claim rejected for the same reasons as claims 6-8.

As per **claim 12,** claim rejected for the same reasons as claim 5. Additionally loop taps may be determined via measurements of standing waves. The resonant frequencies will indicate loop taps (impedance mismatches), and the loop length, which itself is a determination of the loop impedance, which is an indication of the insertion loss.

As per **claim 13,** the loop characterisitics are used to measure subscriber loop characteristics to determine DSL capability (page 1 paragraph 3).

As per **claims 16-18,** claim rejected for the same reasons as claims 8,12,13.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 571-272-7498. The examiner can normally be reached on M-F 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 571-272-7499. The fax phone numbers for the organization where this application or proceeding is assigned are **571-273-8300** for regular communications and **571-273-8300** for After Final communications.

AJ
January 4, 2007